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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,304	12/11/2000	Francois Gruyer	59828264-3	3883

26453 7590 08/10/2004

BAKER & MCKENZIE  
805 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER
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MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/734,304

Applicant(s)

GRUYER ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 rejected under 35 U.S.C. 102(e) as being unpatentable by Blasko (U.S. 2001/0049620).

As per claim 1 Blasko disclosed a method for providing behavioral information of a user using on-line resources, comprising: collecting behavioral information of a user using resources over a network (Page. 4, Paragraph. 0049-0050); analyzing the collected behavioral information; and providing an analysis of the collected behavioral information (Page. 2, Paragraph. 0018-0019).

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3. As per claims 2,13,22 Blasko disclosed wherein the collecting includes: collecting behavioral information of a user using resources over a network, the user having given a permission to being monitored (Page. 5, Paragraph. 0060).

4. As per claim 3 Blasko disclosed wherein the method further includes: providing one or more incentives to the user to give the permission to being monitored (Page. 5, Paragraph. 0060).

5. As per claim 4 Blasko disclosed wherein the one or more incentives include any one or combination of news, television program schedule, a map of a selected area, transportation information, and area information (Page. 5, Paragraph. 0057).

6. As per claims 5,15,23 Blasko disclosed wherein the resources include one or more services offered on the World Wide Web, and the method further includes: providing one or more lists of web sites for monitoring, wherein the behavior information is collected only on the one or more lists of web sites (Page. 5, Paragraph. 0060).

7. As per claims 6,12,24 Blasko disclosed a method for providing behavioral information of a user using one or more web services, comprising: monitoring user behavior on a web browser when a user visits a predetermined set of web sites (Page. 2, Paragraph, 0019); allowing the user to consult the monitored user behavior; and transmitting the monitored user behavior over a network to one or more servers (Page. 5, Paragraph 0060).

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8. As per claim 7 Blasko disclosed wherein the monitored user behavior includes any one of method of entry, method of exit, time spent, loading time, response time, and user interface events detected during navigation of a web page (Page. 3, Paragraph. 0042).

9. As per claim 8 Blasko disclosed wherein the transmitting includes transmitting the monitored user behavior over a network to one or more servers using one or more anonymous identifiers, wherein actual identity of the user is preserved (Page. 5, Paragraph 0062).

10. As per claims 9,21 Blasko disclosed a method for providing behavioral information of a user using one or more web services, comprising: recruiting a user to be monitored for one or more predetermined web sites (Page. 5, Paragraph. 0060); collecting behavioral information of the user when the user visits the one or more predetermined web sites; and providing the behavioral information (Page. 5, Paragraph. 0060).

11. As per claims 10,14 Blasko disclosed further including: obtaining the predetermined web sites for monitoring from an entity, and the providing includes providing the behavioral information to the entity (Page. 5, Paragraph 0060).

12. As per claim 11 Blasko disclosed further including: allowing the user to install an agent for monitoring on a user device (Page. 5, Paragraph 0060).

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13. As per claim 16 Blasko disclosed wherein the resourceful information includes any one of news, television program schedule, a map of a selected area, transportation information, and area information (Page. 4, Paragraph. 0045).

14. As per claim 17 Blasko disclosed wherein the server further includes an analyzer operable to analyze the behavioral information (Page. 7, Paragraph. 0087).

15. As per claim 18 Blasko disclosed wherein the analyzer further provides a report based on the analysis of the behavioral information (Page. 3, Paragraph. 0023).

16. As per claim 19 Blasko disclosed wherein the behavioral information includes one or more input/output events on a web page (Page. 3, Paragraph. 0024).

17. As per claim 20 Blasko disclosed wherein the one or more input/output events on a web page includes any one of mouse clicks, mouse scrolls, mouse movements, and keyboard input (Page. 12, Paragraph. 0130).

*Conclusion*

18. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

19. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

20. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

21. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

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Any response to a final action should be mailed to:

BOX AF

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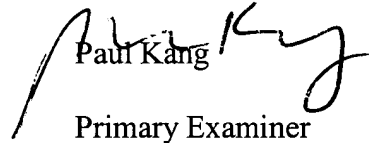
Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

  
Paul Kang  
Primary Examiner